EDMUND G. BROWN JR.
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General
KENT D. HARRIS
Deputy Attorney General
State Bar No. 144804
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-7859
Facsimile: (916) 327-8643
Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CHRISTINE ANN WORRELL** **6633 County Hwy 15** **Rayland, OH 43943** **Registered Nurse License No. 612238** Respondent.	Case No. 2010-658 **ACCUSATION**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about January 24, 2003, the Board issued Registered Nurse License Number 612238 to Christine Ann Worrell ("Respondent"). Respondent's registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

> The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
>
> (a) Unprofessional conduct, which includes, but is not limited to, the following:
>
> (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .

6. California Code of Regulations, title 16, section ("Regulation") 1442 states:

> As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

7. Regulation 1443 states:

> As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

8. Regulation 1443.5 states, in pertinent part:

> A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:
>
> . . . .
>
> (5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.
>
> (6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

10. At all times relevant herein, Respondent was employed as a registered nurse at Shasta Regional Medical Center in Redding, California.

11. On or about April 1, 2007, patient M. M. was admitted to the medical center, complaining of vomiting for the last 24 hours.[1] The patient was initially treated in the emergency department ("ED") and was placed on 2 liters of oxygen as her oxygen saturation level was 94%. The patient was noted as having normal respiratory effort and there were no signs and symptoms of shortness of breath (SOB). The ED nurse documented that the patient had black emesis at 22:11 and 22:13 hours. Dr. L. ordered Zofran 4 mg by IV every 4 hours as needed for nausea and vomiting. Dr. L. documented that while the patient was in the ED, the emesis stopped after administration of the antiemic and the patient did not complain of nausea. Dr. L. issued a transfer order that the patient was to be assigned to a medical floor with telemetry monitoring. The patient was later admitted to the oncology floor close to the nurse's station.

12. On April 2, 2007, at approximately 00:15 hours, Respondent assumed care of the patient, completed an initial assessment, and documented the patient's vital signs as pulse rate 112, respiration 24, blood pressure 151/82, and oxygen saturation level 90% at 2 liters. Respondent's problem list included vomiting/coffee ground emesis and her goal of care was that the patient was to be free of nausea and vomiting by providing clear liquids and antiemetics as needed. Respondent documented that the patient was "somewhat SOB" at rest and increased the patient's oxygen to 3 liters.

[1] The patient had previously been hospitalized at the medical center for gastrointestinal bleeding, and her first admission was from September 26, 2006, to September 29, 2006.

13. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about April 2, 2007, Respondent was guilty of gross negligence in her care of M. M. within the meaning of Regulation 1442, as follows: At approximately 01:00 hours, Respondent documented in the medical records that the patient had 20 cc of black emesis, but denied nausea. At approximately 02:45 hours, Respondent documented that the patient had 60 cc of back emesis and administered Zofran 4 mg to the patient. At approximately 04:00 hours, Respondent documented that the patient continued to have some liquid emesis and indicated on the intake and output sheet that the patient had 25 ml of emesis at 04:00 hours and 60 ml at 05:00 hours. Respondent failed to notify Dr. L. or another medical doctor about the patient's persistent vomiting, the continued black color of the vomit, or the increased use of oxygen, as above.

SECOND CAUSE FOR DISCIPLINE

(Incompetence)

14. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 10 through 13 above.

15. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about April 2, 2007, Respondent was guilty of incompetence in her care of patient M. M. within the meaning of Regulation 1443, as follows:

a. Respondent increased the patient's oxygen to 3 liters, but failed to document in the medical records whether this intervention was effective in raising the patient's oxygen saturation level or in decreasing the patient's shortness of breath.

b. Respondent failed to take the next set of vital signs on the patient until 07:00 hours, despite the fact that the patient's initial vital signs were abnormal and the fact that the patient was on a telemetry monitor.

///

///

///

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

16. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 10 through 13 above.

17. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), in that on or about April 2, 2007, Respondent committed acts constituting unprofessional conduct in her care of patient M. M., as set forth in paragraphs 13 and 15 above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 612238, issued to Christine Ann Worrell;

2. Ordering Christine Ann Worrell to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 6/22/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2010100902
10577931.doc